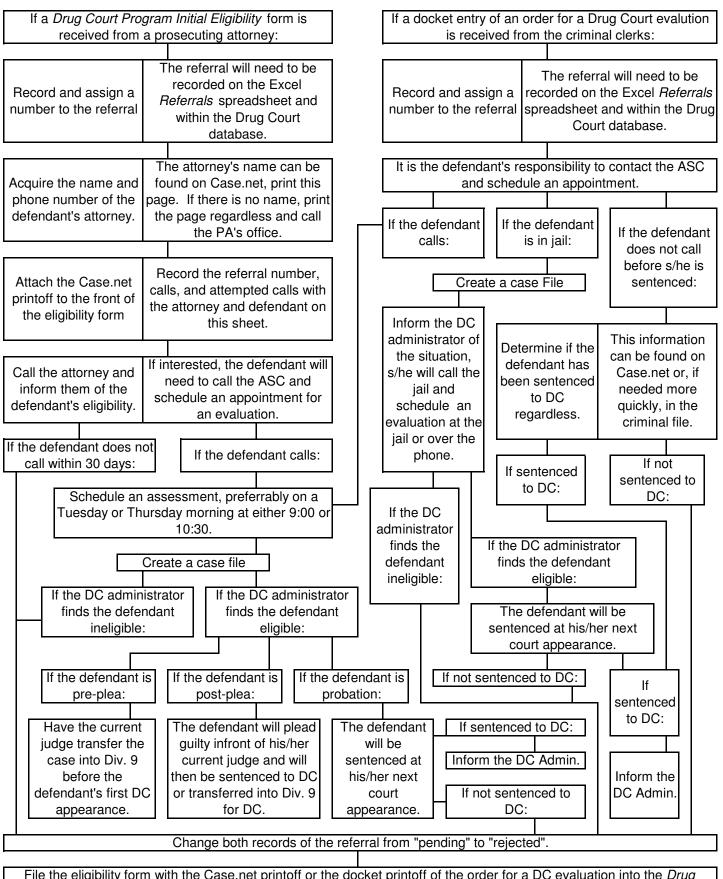
#### Referrals

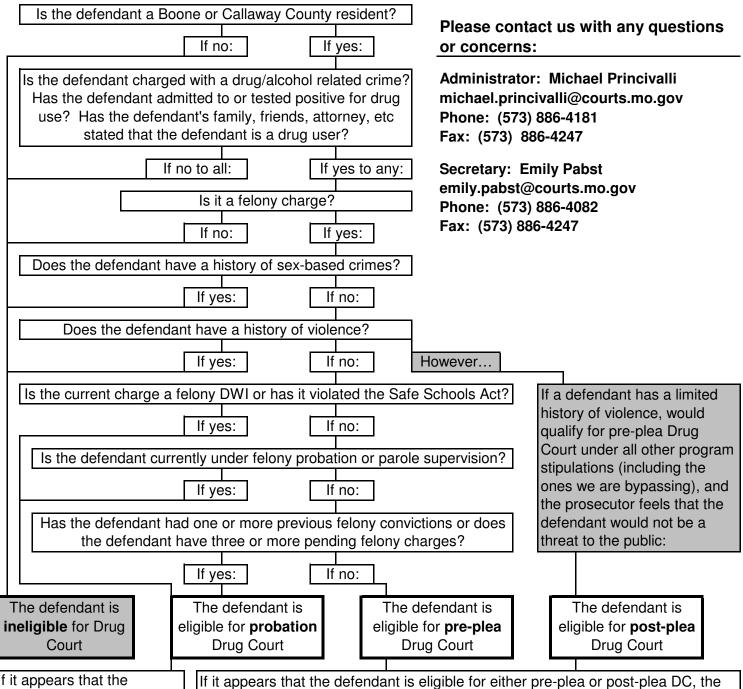
#### **Drug Court**



File the eligibility form with the Case net printoff or the docket printoff of the order for a DC evaluation into the *Drug*Court Rejected binder.

#### **Determining Eligibility for Pre- and Post-Plea Drug Court:**

A guide for Boone and Callaway County Defense Attorneys

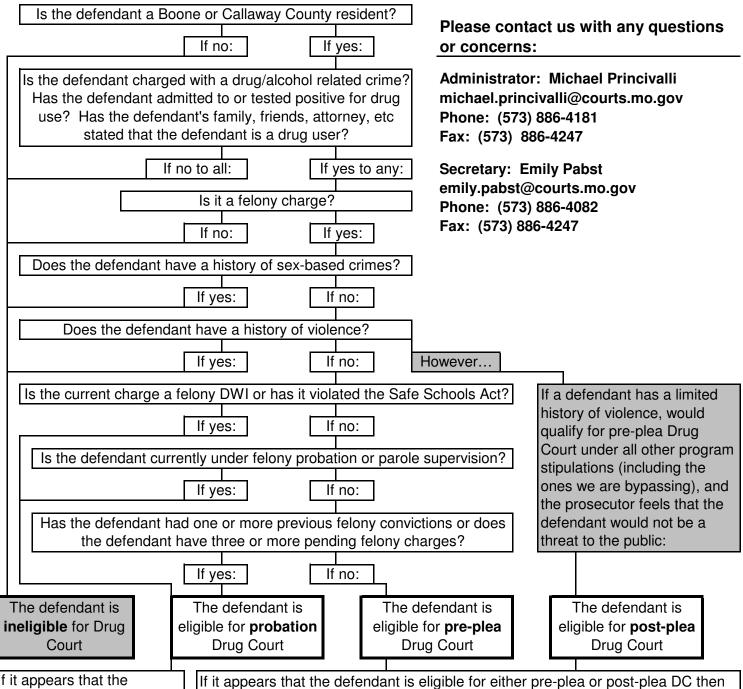


If it appears that the defendant is eligible for probation DC then the defense attorney may recommend DC as part of a probation sentence to the Judge. The defense attorney **cannot** request a DC evaluation for probation DC, an evaluation **must** be ordered by

If it appears that the defendant is eligible for either pre-plea or post-plea DC, the prosecutor will complete a *Drug Court Program Initial Eligibility* form, send a copy of this form to DC, and send a *Notification of Defendant's Consideration for Drug Court* to the defendant's attorney. The prosecutor and defense counsel **must** decide on a plea agreement before informing DC of a defendant's eligibility. After receiving the *Initial Eligibility* form DC will contact the defendant and arrange an assessment. If the defendant is an acceptable **pre-plea**, s/he will be transferred into DC before a plea is entered. If the defendant is an acceptable **post-plea**, s/he will need to enter a guilty plea at his/her next court appearance and have an order from the Judge to complete DC (written as ASC1 on criminal case dockets). For both pre- and post-plea participants, prosecutor and defense attorney **must** be present for the defendant's first DC appearance. Once entered, no further action from either attorney will be necessary until the defendant exits DC.

### **Determining Eligibility for Pre- and Post-Plea Drug Court:**

A guide for Boone and Callaway County Prosecuting Attorneys

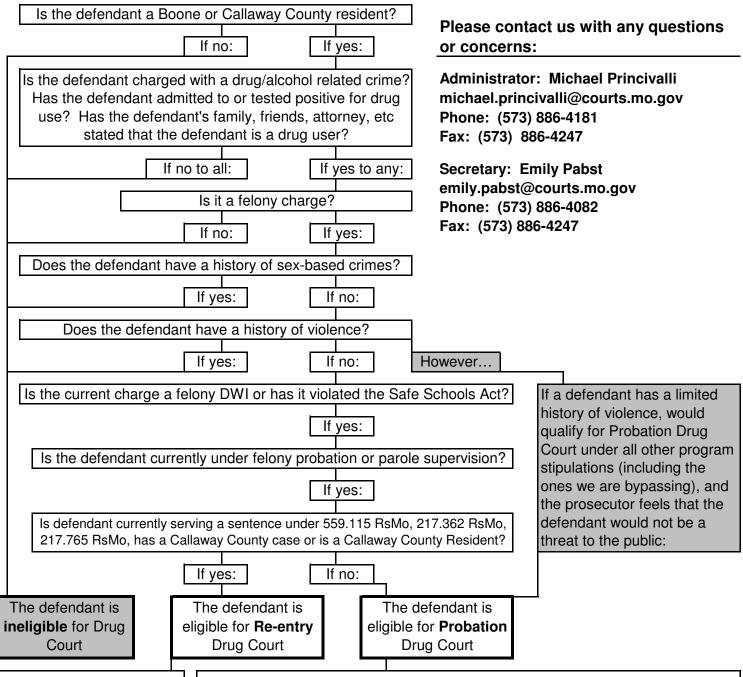


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#### **Determining Eligibility for Probation Drug Court:**

A guide for Boone and Callaway County Defense Attorneys

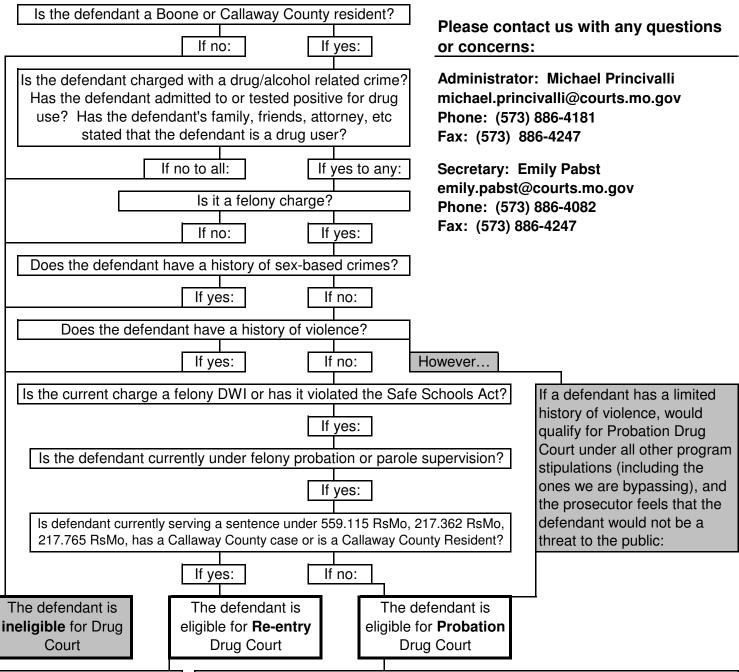


If the defendant is currently serving a sentence under 559.115 RsMo, 217.362 RsMo, or 217.765 RsMo, and they do not qualify for the Reintegration Court; the defendant may enter the **reentry** track of drug court as a stipluation of their probation.

If it appears that the defendant is eligible for the program, then there are three ways the individual may enter the program: the prosecutor and defense attorney may make the completion of drug court a stipulation of the defendant's probation; the Sentencing Assessment Report may recommend the referral to or completion of drug court; the sentencing judge may the completion of drug court at sentencing or probation violation hearings. If it is established that the defendant should be placed in drug court, the sentencing judge must order that a drug court evaluation be completed to see if the defendant is eligible for the program. At that time the Drug Court Administrator will complete the evaluation and send a letter to all parties involved stating that the defendant is either eligible for the program or not. If the defendant is considered eligible for the program, the sentencing judge can order the defendant to compelte the program at their final disposition date. If this occurs, the defendant will enter the program the next available court date.

#### **Determining Eligibility for Probation Drug Court:**

A guide for Boone and Callaway County Prosecuting Attorneys

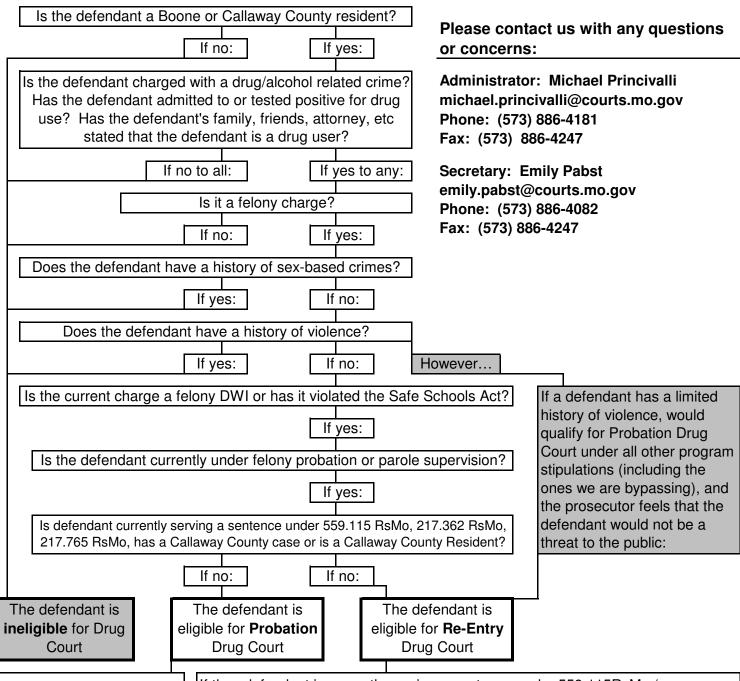


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# **Determining Eligibility for Re-Entry Drug Court:**

A guide for Boone and Callaway County Defense Attorneys

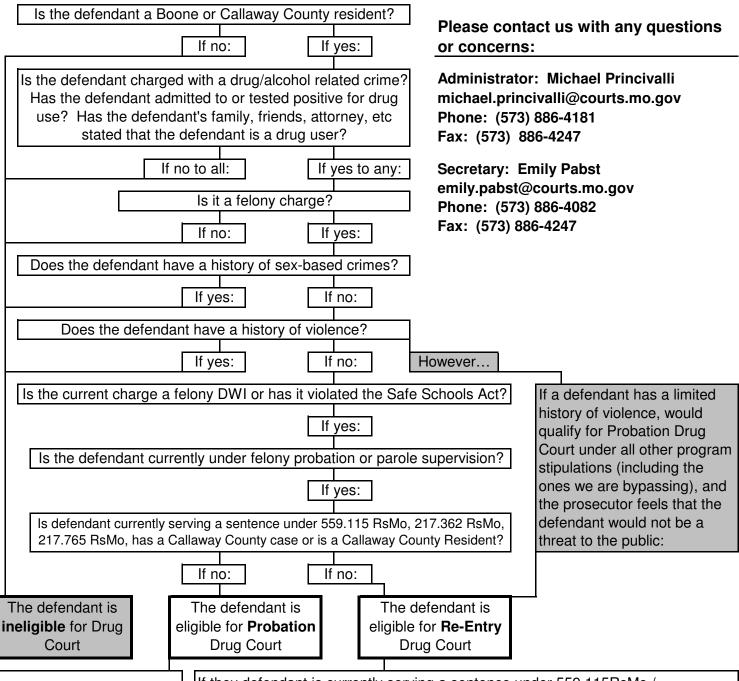


If an evaluation of the potential participant has been ordered and accepted into the program by the Drug Court Administrator and Presiding Judge, the defendant will enter the program the next available court date.

If they defendant is currently serving a sentence under 559.115RsMo / 217.362RsMo / 217.765RsMo, has a Callaway County case or is a Callaway County resident, and does not qualify for the Reintegration Court; they are eligible for the Re-Entry Track for Boone or Callaway County. If a defendant lives in Callaway County and has been ordered to completed Callaway County Drug Court, they will enter the program the next available court date upon their release. If a defendant lives in Boone County but has a Callaway County case and has been ordered to complete the program, hey will enter the program the next available court date upon their release. The defense attorney may add the compeltion of the Re-Entry program as part of the plea agreement, or the Presiding Judge may order the defendant to complete the program uponm their release during the 90-day report. If the defendant is deemed eligible for the program, again he/she will enter the program the next available court date.

## **Determining Eligibility for Re-Entry Drug Court:**

A guide for Boone and Callaway County Prosecuting Attorneys



If an evaluation of the potential participant has been ordered and accepted into the program by the Drug Court Administrator and Presiding Judge, the defendant will enter the program the next available court date.

If they defendant is currently serving a sentence under 559.115RsMo / 217.362RsMo / 217.765RsMo, has a Callaway County case or is a Callaway County resident, and does not qualify for the Reintegration Court; they are eligible for the Re-Entry Track for Boone or Callaway County. If a defendant lives in Callaway County and has been ordered to completed Callaway County Drug Court, they will enter the program the next available court date upon their release. If a defendant lives in Boone County but has a Callaway County case and has been ordered to complete the program, hey will enter the program the next available court date upon their release. The prosecuting attorney may add the compeltion of the Re-Entry program as part of the plea agreement, or the Presiding Judge may order the defendant to complete the program uponm their release during the 90-day report. If the defendant is deemed eligible for the program, again he/she will enter the program the next available court date.